UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/2002/L.6/Add.1*
24 June 2002

ENGLISH
Original: ENGLISH

Resumed organizational session for 2002
Agenda item 2
Adoption of the agenda and other organizational matters

HUMAN RIGHTS QUESTIONS

Excerpt from the report of the Commission on Human Rights on its fifty-eighth session for consideration by the Economic and Social Council at its resumed organizational session for 2002**

This addendum is submitted in accordance with rule 31 under the rules of procedure of the Economic and Social Council and the provisions contained in paragraph 3 of chapter IV of the excerpts from the report of the Commission on Human Rights on its fifty-eighth session (E/2002/L.6). In that paragraph, it was indicated that the present addendum would include the statements on administrative and programme budget implications that were read out by the Secretariat at the fifty-eighth session of the Commission on Human Rights in relation to the resolutions and decisions referred to in the report E/2002/L.6.

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* Reissued for technical reasons. This document replaces and supersedes E/2002/L.6/Add.1 issued on 24 May 2002.

** The final edited report of the Commission on Human Rights on its fifty-eighth session will be issued as *Official Records of the Economic and Social Council, 2002, Supplement No. 3*. The texts reproduced in this addendum are as adopted *ad referendum* by the Commission.

GE.02-14072 (E) 240602

02-44101 (E) 250602

Programme budget implications of draft resolution E/CN.4/2002/L.12 on racism, racial discrimination, xenophobia and related intolerance. Adopted as resolution 2002/68.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

1. This oral statement is made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. Under operative paragraph 7 of this draft resolution, the Commission would decide to establish an Intergovernmental Working Group, with the following mandate:

(a) Make recommendations with the view to the effective implementation of the Durban Declaration and Programme of Action;

(b) Prepare complimentary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.

3. Under operative paragraph 8 of this draft resolution, the Commission would decide to establish a Working Group of five Independent Experts on People of African Descent, appointed on the basis of equitable geographical representation by the Chairman of the fifty-eighth session of the Commission on Human Rights, in consultation with regional groups to meet for two sessions of five working days each, prior to the fifty-ninth session of the Commission.

4. Under operative paragraph 9 of this draft resolution, the Commission would request the Working Group of Experts on People of African Descent to submit a report to the fifty-ninth session of the Commission on Human Rights.

5. Under operative paragraph 15 of this draft resolution, the Commission would stress the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action.

6. Under operative paragraph 16 of this draft resolution, the Commission would decide to establish a voluntary fund to provide additional resources for:

(a) The effective implementation of the Durban Declaration and Programme of Action, in particular in developing countries;

(b) The participation of people of African descent, representatives of developing countries, especially the least developed countries, NGOs and experts in the open-ended sessions of the Working Group on people of African descent;

(c) The activities of the Committee on the Elimination of Racial Discrimination;

(d) Rational, regional and international activities to counter racism, racial discrimination, xenophobia and related intolerance e.g. through seminars;

(e) The anti-racial discrimination activities of the anti-discrimination unit.

7. Under operative paragraph 38 of this draft resolution, the Commission would decide to renew the mandate of the Special Rapporteur by three years.

8. With regard to operative paragraph 15, it is recalled that by its resolution A/56/254 A of 24 December 2001, the General Assembly approved resources under the regular budget of $44,727,100 for the OHCHR for the biennium 2002-2003. At that time, the General Assembly was also informed that the OHCHR projected that extrabudgetary resources of $62,947,300 might be made available for the OHCHR during the same period. It is further recalled that by its resolution 56/266 of 27 March 2002 on Comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the General Assembly approved the establishment in the OHCHR of an Anti-Discrimination Unit to combat racism, racial discrimination, xenophobia and related intolerance and to promote equality and non-discrimination.

9. The attention of the Commission is also drawn to the provisions of resolution 45/248, part B VI, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

10. The establishment of the Working Group of five Independent Experts on People of African Descent in operative paragraph 8 would require provisions for travel and subsistence of the experts for the two sessions. Total full cost of such travel and subsistence would amount to US$ 51,500 for the biennium 2002-2003. No provisions have been made under Section 22, Human rights, of the programme budget for the biennium 2002-2003 for those travel and subsistence requirements. They would need to be met through additional appropriations by the General Assembly.

11. The total full cost of the activities envisaged under operative paragraph 38 of this draft resolution, related to the renewal of the mandate of the Special Rapporteur, would amount

to $33,600 per year under Section 22, Human rights. The mandate of the Special Rapporteur falls under the category of activities considered to be of a perennial nature. Provisions for activities of this nature have already been included in the programme budget for the current biennium and will be included in the proposed programme budget for the biennium 2004-2005. Hence, no additional appropriations would be required as a result of the adoption of the draft resolution.

12. No provisions have been made under the programme budget for the biennium 2002-2003 for the conference services requirements associated with the establishment of an Intergovernmental Working Group as provided in operative paragraph 7 and of the Working Group of five Independent Experts on People of African Descent as provided in operative paragraph 9.

13. Should the draft resolution be adopted, additional conference servicing requirements in the total amount of US$ 667,100 for the implementation of the meetings related to operative paragraphs 7 and 9 in the biennium 2002-2003 would be as follows:

Intergovernmental Working Group

	US dollars
Section 2, General Assembly Affairs and Conference Services	256,100
Section 27E, Administration Geneva	5,400
Total:	261,500

Working Group of five Independent Experts on People of African Descent

	US dollars
Section 2, General Assembly Affairs and Conference Services	397,600
Section 27E, Administration Geneva	8,000
Total:	405,600

14. General Assembly Affairs and Conference Services in Geneva, upon further review of the approved calendar of conferences and meetings for the biennium 2002-2003, has determined that conference servicing requirements could be absorbed if the working groups could meet on the following dates:

	Available dates
Intergovernmental Working Group	2-13 December 2002
Working Group of five Independent Experts	28 October to 1 November 2002
	3 to 7 February 2003

15. The Office of the High Commissioner has verified that the working groups will meet on these dates.

16. In light of the operations of conference services experienced in 2000-2001 when substantial overexpenditures were incurred, should the working groups not be able to schedule their respective meetings on the above available dates, it will not be possible to convene these meetings before the fifty-ninth session of the Commission on Human Rights.

17. It will be recalled that under the procedure established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget. Under this procedure, if additional expenditures are proposed that exceed the resources available from the contingency fund, the activities concerned can be implemented only through redeployment of resources from low-priority areas or modifications of existing activities. Otherwise, such additional activities will have to be deferred to a later biennium.

18. No activities could be identified, at this stage, for termination, deferral, curtailment or modification under Section 22, Human rights. Should the Commission adopt draft resolution E/CN.4/2002/L.12, additional provisions of $51,500 under Section 22, Human rights, would be required over and above the programme budget for the biennium 2002-2003.

19. As regards operative paragraph 16 whereby the Commission would decide to establish a voluntary fund, it is recalled that, in accordance with United Nations Financial Regulations and Rules, general trust funds may be established solely by the General Assembly or by the Secretary-General.

Programme budget implication of draft resolution E/CN.4/2002/L.47 on the right of everyone to the highest attainable standard of physical and mental health.
Adopted as resolution 2002/31.

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

1. This oral statement is made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. Under operative paragraph 4 of this draft resolution, the Commission would decide to appoint, for a period of three years, a Special Rapporteur whose mandate will focus on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of

the International Covenant on Economic, Social and Cultural Rights, article 24 of the Convention on the Rights of the Child and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the right to non-discrimination as reflected in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination.

3. Total full cost of the activities envisaged under the mandate of the Special Rapporteur in the draft resolution, if adopted, would amount to $207,800 under Section 22, Human rights, of which the yearly requirements would be as follows: US$ 52,400 in the year 2002, US$ 74,900 each in the years 2003 and 2004, and US$ 5,600 in the year 2005.

4. The activities associated with the mandate of the Special Rapporteur fall under the category of activities considered to be of a perennial nature. Provisions have already been included in Section 22, Human rights, of the programme budget for the biennium 2002-2003 and will be included in the proposed programme budget for the biennium 2004-2005 for activities of this nature. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.